

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
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JONATHAN A. EPPSTEIN) Art Unit: 3737
)
Application No. 10/772,472) Examiner: Smith, Ruth S.
)
Filing Date: February 6, 2004) Confirmation No. 6710
)
For: MICROPORATION OF TISSUE FOR)
DELIVERY OF BIOACTIVE AGENTS)

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

December 21, 2007

Sir:

Altea Therapeutics, Inc., previously dba Altea Development Corp., (hereinafter "Altea"), is assignee of the entire right, title, and interest in U.S. Patent No. 5,885,211, and in the above-identified application as shown by the assignments recorded for U.S. Patent No. 5,885,211 in the patent assignment records of the U.S. Patent and Trademark Office on February 10, 2003 at Reel/Frame 013746/0511 and in the certificate under 37 CFR § 3.73(b), which was filed with the preliminary amendment filed in the above-identified application on February 6, 2004. Said assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on U.S. Patent No. 5,885,211, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,885,211, this

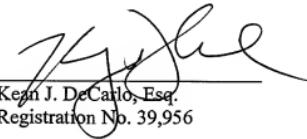
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Application No. 10/772,472**

agreement to run with any patent granted on the above identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the assignee does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,885,211, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

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